

RESOLUTION NO.: 222-2014

OF

SEPTEMBER 8, 2014

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE POLICE CHIEF  
TO ENTER INTO A LETTER AGREEMENT WITH  
THE NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL  
MEMORIALIZING THE CITY OF NEWBURGH POLICE DEPARTMENT'S  
COOPERATION AND COMMITMENT TO IMPLEMENTING AND MAINTAINING  
POLICIES, PROCEDURES AND TRAINING PROTOCOLS TO ENSURE  
MEANINGFUL ACCESS TO POLICE SERVICES  
BY INDIVIDUALS OF LIMITED ENGLISH PROFICIENCY

WHEREAS, City of Newburgh Police Department has implemented a new General Order to establish guidelines for assisting individuals with Limited English Proficiency and to ensure maximum communications between law enforcement and all segments of the community will enable the City of Newburgh Police Department to more effectively meet the needs of the community; and

WHEREAS, The New York State Office of the Attorney General ("OAG") has proposed to enter into a Letter Agreement with the City of Newburgh Police Department to memorialize the City of Newburgh Police Department's cooperation with the OAG and the commitment to implementing and maintaining policies, procedures and training protocols to help ensure that individuals of Limited English Proficiency are provided meaningful access to the Newburgh Police Department; and

WHEREAS, said Letter Agreement is annexed hereto and made part hereof and it is deemed to be in the best interests of the City of Newburgh to enter into the Letter Agreement for such purposes;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager and the Police Chief be and they are hereby authorized to enter into a Letter Agreement with the New York State Office of the Attorney General memorializing the Newburgh Police Department's cooperation with the Attorney General's Office and commitment to implementing and maintaining policies, procedures and training protocols to help ensure that individuals of Limited English Proficiency are provided meaningful access to Newburgh Police Department services.

I, Lorene Vitek, City Clerk of the City of Newburgh,  
hereby certify that I have compared the foregoing with the  
original resolution adopted by the Council of the City of  
Newburgh at a regular meeting held Sept 11  
and that it is a true and correct copy of such original.

Witness my hand and seal of the City of  
Newburgh this 11 day of Sept, 2014

City Clerk



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE  
CIVIL RIGHTS BUREAU

August 30, 2014  
*Sept.*

Re: Newburgh Police Department (NPD)'s Language Access  
Services for Persons of Limited English Proficiency (LEP)

The purpose of this letter is to memorialize the Newburgh Police Department (NPD)'s cooperation with the Attorney General's Office (OAG) and commitment to implementing and maintaining policies, procedures and training protocols to help ensure that individuals of Limited English Proficiency (LEP) are provided meaningful access to NPD services regardless of the individual's LEP status.

By way of context, Newburgh, New York has a population of 28,866 residents, 48 percent of whom identify as Hispanic. Moreover, an estimated 22 percent of Newburgh residents five (5) years of age or older do not speak English "very well" or have a limited ability to read, speak or understand English. As language for LEP individuals can be a barrier to accessing important police services, the NPD recognizes the need for timely, effective and accurate communication between NPD employees and the LEP communities they serve. While the NPD had previously implemented some components of a language access plan, including use of a telephonic interpreter service, its own bilingual officers, and translation of certain written materials, under the leadership and direction of Newburgh's Police Chief, the NPD has expanded and strengthened its language access services to better serve Newburgh's LEP population and, in turn, the community at large.

Accordingly, the Newburgh Police Department has, and remains, committed to the following:

1. Taking reasonable steps to ensure that its officers<sup>1</sup>, and its civilian employees who have regular contact with the public, effectively communicate with LEP persons and provide them with timely and meaningful access to all of the services and benefits the NPD provides including, without limitation, when responding to calls for assistance; making traffic stops; taking complaints; interviewing victims, witnesses or subjects of criminal investigations; making public service announcements and issuing safety alerts.

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<sup>1</sup> "Officers" includes all uniformed employees or volunteers of the NPD, both full-time and part-time.




2. Taking reasonable steps to ensure that its officers, and its civilian employees who have regular contact with the public, are annually trained on how to effectively communicate with LEP persons and provide them with timely and meaningful access to all NPD services and benefits. The NPD will also distribute the following policy regarding serving LEP communities to all officers and civilian employees who have regular contact with the public: Limited English Proficient (LEP) Procedures.
3. Taking steps to recruit, hire and retain bilingual NPD officers and staff and maintain a mechanism for testing the proficiency level of its bilingual officers and staff.
4. Translating vital documents, and relying upon translated materials made available through other law enforcement entities, agencies and courts.
5. Making English and Spanish-language Personnel Complaint Forms available at all NPD buildings and on the NPD website and, when a complaint relates to language access, providing written notice of the disposition of the complaint to the complainant in the language (English or Spanish) that the complaint was written in.
6. Periodically convening with the Office of the Attorney General's Civil Rights Bureau to discuss the NPD's provision of language access services to LEP individuals, including those efforts outlined in this letter and consistent with the NPD's LEP Procedures. During those meetings, the OAG and the NPD will jointly discuss and review: (a) data on language access services collected pursuant to the LEP Procedures, (b) documentation concerning in-service training sessions on the LEP Procedures, and (c) copies of all forms and documents translated by the NPD pursuant to the LEP Procedures.


The contents of this letter neither constitute nor suggest any accusation or admission of wrongdoing on the part of the NPD, or any violation of any laws, regulations or administrative pronouncements applicable to the NPD. No person or entity is intended to be a third-party beneficiary of the provisions of this letter for purposes of any civil, criminal, or administrative action. Nor shall any person or entity be permitted to assert any claim or right as a beneficiary or protected class under this MOA. Nothing contained in this letter shall be construed to deprive any person, corporation, association, agency or other entity of any right provided by law, regulation, or administrative pronouncement.

**AND IT IS FURTHER UNDERSTOOD AND AGREED THAT** this letter sets forth the entire agreement of the parties and may be modified only by the subsequent execution of a written agreement by its parties.

**NEWBURGH POLICE  
DEPARTMENT**

By:   
Chief Michael Ferrara  
Newburgh Police Department  
55 Broadway  
Newburgh, NY 12550

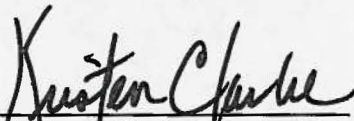
Date: 9-15-14

By:   
Michael G. Ciaravino  
City Manager  
83 Broadway  
Newburgh, NY 12550

Date: 9-16-14

Pursuant to Resolution No.: 222-2014

**ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL OF  
THE STATE OF NEW YORK**

By:   
Kristen Clarke  
Civil Rights Bureau Chief  
120 Broadway, 23<sup>rd</sup> Floor  
New York, New York 10271

Date: 9/30/14